

# Holland & Knight

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March 27, 2020

## VIA ECF

Hon. Lewis J. Liman  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 701  
New York, NY 10007

**Re: Assented-to Motion to Stay**  
*Braulio Thorne, individually and on behalf of those similarly situated v.  
Bob's Discount Furniture, LLC*  
**SDNY Civil Action No. 19-cv-10100-AT**

Dear Judge Liman,

On behalf of defendant Bob's Discount Furniture, LLC ("Defendant"), and with the consent of counsel for plaintiff Braulio Thorne ("Plaintiff"), I write to respectfully request a stay of the above-referenced action until the resolution of the motion to dismiss currently pending before Your Honor in a materially identical case filed by Plaintiff: *Thorne v. Tory Burch LLC*, No. 19-cv-10403-LJL-SDA (S.D.N.Y.).

This is one of more than a hundred lawsuits filed by Plaintiff's counsel founded on the legal theory that the Americans with Disabilities Act ("ADA") and its New York State and City analogues require retailers to offer gift cards printed with braille. Numerous motions to dismiss are currently pending before this Court testing the validity of this novel premise. *See, e.g., Tucker v. Whole Foods Market Group, Inc.*, No. 19-cv-09842-RA (S.D.N.Y.); *Matzura v. Red Lobster Hospitality LLC*, No. 19-cv-09929-MKV-DCF (S.D.N.Y.); *Calcano v. Adidas America, Inc.* No. 19-cv-10060-LJL (S.D.N.Y.); *Thorne v. Boston Market Corp.*, No. 19-cv-09932-RA (S.D.N.Y.); *Thorne v. Barnes & Noble Booksellers, Inc.*, No. 19-cv-10069 (S.D.N.Y.).

For the sake of consistency and judicial economy, this Court has already stayed proceedings in at least a dozen other gift card cases filed by Plaintiffs' counsel. Examples of stay orders that have been issued are attached as Exhibit A.

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In the alternative, if the Court is not inclined to issue the requested stay, Defendant respectfully requests a fourteen (14) day extension of time from the Court's determination of this letter motion to answer, move, or otherwise respond to the Complaint. Plaintiffs' Amended Complaint was filed on March 19, 2020, so Defendant's deadline is currently April 2, 2020. Fed. R. Civ. P. 15(a)(3). Plaintiff's counsel consents to the requested extension.

Respectfully submitted,

/s/ Robert M. Shaw

Robert M. Shaw  
Counsel for Defendant  
Bob's Discount Furniture, LLC

GRANTED IN PART. All proceedings shall be stayed until May 18, 2020, without prejudice to an application for an additional stay if at that time the Court has not issued a decision on a "gift card" case. The parties shall submit an joint letter no later than two weeks after the stay has expired setting forth how they would like to proceed. At the end of the stay period, the Court will enter an order setting Defendant's time to answer or move. The parties should be aware that the Court has before it a motion to dismiss in *Yovanny Dominguez v. The Cheesecake Factory Restaurants, Inc.* (19-cv-10335), which may raise similar issues to those raised by this case.

3/27/2020



LEWIS J. LIMAN  
United States District Judge